

EXHIBIT “A”

2.A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,) CIVIL NO. CV01-00446
) SPK LEK
Plaintiff,) (Copyright)
)
vs.)
)
FLEMING COMPANIES, INC.,)
aka FLEMING FOODS, INC.,)
aka FLEMING, DOE)
INDIVIDUALS 1-50 AND DOE)
PARTNERSHIPS,)
CORPORATIONS AND OTHER)
ENTITIES 1-20 S 1-50,)
)
Defendants.)
-----)

DEPOSITION OF MARK DILLON

Taken on behalf of the Plaintiff pursuant to
Notice, on Monday, March 25, 2002, commencing at
9:00 a.m., at the Law Offices of Lynch Ichida
Thompson Kim & Hirota, 1132 Bishop Street, Suite
1405, Honolulu, Hawaii 96813.

1 APPEARANCES:

2 For Plaintiff Wayne Berry:

3 TIMOTHY J. HOGAN, ESQ.
4 Lynch Ichida Thompson Kim & Hirota
5 1132 Bishop Street, Suite 1405
6 Honolulu, Hawaii 96813
(808) 528-0100

7 For Defendant Fleming Companies, Inc., aka
8 Fleming Foods, Inc., aka Fleming:

9 LEX R. SMITH, ESQ.
10 Kobayashi Sugita & Goda
11 First Hawaiian Center
12 999 Bishop Street, Suite 2600
13 Honolulu, Hawaii 96813
14 (808) 539-8700

15 For Defendant Hawaiian Express Service,
16 Inc.:

17 ROY J. TJIOE, ESQ.
18 Goodsill Anderson Quinn & Stifel
19 Alii Place, Suite 1800
20 1099 Alakea Street
21 Honolulu, Hawaii 96813
22 (808) 547-5600

23 Also Present: Wayne Berry

24 REPORTED BY: Laura Savo, CSR No. 347
25 Notary Public, State of Hawaii

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1 A Twice.

2 Q Okay. When was the first time?

3 A Friday.

4 Q Friday. I presume you've spoken to him
5 on the phone or had other contacts with him?

6 A Yes.

7 Q We don't want to know what you were
8 talking about. So you met with him Friday?

9 A Yes.

10 Q When was the other time?

11 A Just this morning.

12 Q How long did you meet with him on
13 Friday?

14 A Forty-five minutes, something like
15 that.

16 Q Was anyone else in the room with you?

17 A No.

18 Q Did you discuss your testimony with
19 Ralph Stussi? That's S-t-u-s-s-i.

20 A No.

21 Q When was the last time you spoke with
22 Mr. Stussi?

23 A I saw him Friday, actually.

24 Q You saw him Friday?

25 A Yeah.

1 Q Is Mr. Stussi still employed at Fleming
2 Kapolei?

3 A I'm not sure.

4 Q Why do you say that?

5 MR. SMITH: Well, I'll just tell you.
6 The answer's no.

7 BY MR. HOGAN:

8 Q All right. Who's the boss out there?

9 A The boss would be Brian Christensen.

10 Q Do you have any information regarding
11 why Mr. Stussi's no longer in Kapolei?

12 A No, I don't.

13 Q Have you heard any speculation from any
14 employees --

15 A No, I haven't.

16 Q -- at Fleming?

17 Did you discuss that with Theresa Noa?

18 A No, I did not.

19 Q Anyone else at Fleming?

20 A No, I did not.

21 Q Do you know Brian Christensen?

22 A Not very well.

23 Q Is he related, to your knowledge, to
24 Steve Christensen?

25 A They're not related.